IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4581 of 2006()

CRA.103/2004 of SESSIONS COURT, KALPETTA
CC.92/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, MANANTHAVADY

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REVN. PETITIONER:

KRISHNAN K.P.,
AGED 43 YEARS, S/O.KANNAN,
JYOTHI NIVAS, DWARAKA, NALLURNADU.

BY ADV. SRI.K.ANTONY JOSEPH

RESPONDENTS:

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1. P.C.CHERIYAN, S/O.CHERIYAN,
PARAKUDIYIL HOUSE, PAINGATTERI, NALLURNADU.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAULAM.

PUBLIC PROSECUTOR SRI.C.K.SURESH.
BY ADV. SRI.SAKIR.K.H.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.
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Crl.R.P. No. 4581 of 2006
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Dated this 21st day of December, 2006.

ORDER

Admitted. Adv.Mr.K.H.Sakir takes notice for first respondent. Public Prosecutor takes notice for second respondent.

2. Revision Petitioner is the accused in C.C 92/2003 on the file of the Judicial First Class Magistrate Court-II, Mananthavady. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for one month under section 138 of Negotiable Instruments Act. In appeal filed by him, the conviction and sentence were confirmed by the Sessions Court. This revision arises from the said conviction and sentence.

3. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.13308/2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount involved is also paid by the petitioner to the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.13308/2006 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**